

Mario N. Alioto (56433)  
Joseph M. Patane (72202)  
Lauren C. Capurro (241151)  
TRUMP, ALIOTO, TRUMP & PRESCOTT LLP  
2280 Union Street  
San Francisco, CA 94123  
Telephone: 415-563-7200  
Facsimile: 415- 346-0679  
Email: [malioto@tatp.com](mailto:malioto@tatp.com)  
[jpatane@tatp.com](mailto:jpatane@tatp.com)  
[lauren russell@tatp.com](mailto:lauren russell@tatp.com)

*Lead Counsel for the  
Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Master File No. 07-cv-05944-JST

MDL No. 1917

This Document Relates to:

ALL INDIRECT PURCHASER  
ACTIONS

**DECLARATION OF MARIO N. ALIOTO IN  
SUPPORT OF INDIRECT PURCHASER  
PLAINTIFFS' OPPOSITION TO MOTION  
TO INTERVENE**

Hearing Date: February 28, 2019

Time: 2:00 p.m.

Courtroom: 9, 19<sup>th</sup> Floor

Judge: Honorable Jon S. Tigar

1 I, Mario N. Alioto, declare:

2 1. I am an attorney duly licensed by the State of California and am admitted to  
3 practice before this Court. I am a partner with the law firm Trump, Alioto, Trump & Prescott,  
4 LLP and my firm serves as the Court-appointed Lead Counsel for the Indirect Purchaser  
5 Plaintiffs (“IPPs”) in the above-captioned action. I submit this Declaration in support of the  
6 IPPs’ Opposition To Motion to Intervene, filed herewith. The matters set forth herein are within  
7 my personal knowledge and if called upon and sworn as a witness I could competently testify  
8 regarding them.

9 2. I am informed by the Claims Administrator, Joseph M. Fisher, that he has no  
10 record of any claim filed by either Douglas King or George Feldman to share in the settlement  
11 funds created by the settlements on appeal.

12 3. I believe I have a fiduciary duty to all class members to preserve the settlements  
13 for the benefit of those class members. Therefore, in an attempt to address the concerns raised by  
14 this Court and the Ninth Circuit, I have filed a Motion Requesting Remand with Instructions Re:  
15 (1) the Plan of Distribution for the Settlements; and (2) the Fee Order, ECF No. 244-1, *IPPs et al.*  
16 *v. Toshiba Corp. et al.*, No. 16-16373 (9th Cir. Jan. 9, 2019).

17 4. I negotiated lump sum settlements with each of the defendants in exchange for a  
18 release of all claims alleged in the operative complaint, which included the nationwide injunctive  
19 relief class. *See* ECF No. 1526 ¶¶ 243-292 (Fourth Consolidated Amended Complaint); 16-  
20 16368, ECF No. 93 (IPPs’ Answering Brief) at 60-62. This was the same release in the  
21 settlement with the LG Defendants that was finally approved by the Court. *See* ECF No. 2542  
22 (LG final approval order); 4351 at 42 (R&R noting that “the Court has already approved an  
23 identical release of all claims nationwide in connection with the earlier IPP settlement with LG”).

24 5. The damages claims of the Three States were released by virtue of the nationwide  
25 class and the broad release language typical of class action settlement agreements, which released  
26 all claims “asserted or that could have been alleged or asserted,” based on the conduct alleged in  
27 this litigation. *See, e.g.*, ECF No. 3862-1, Ex. A, ¶13 (Philips Settlement Agreement).

8. I did not “pit[] one set of clients’ claims against those of another” (ECF No. 5362 at 2), or use the release of the Three States’ damages claims in any way to cement the deal on behalf of the 22 Certified Classes.

***Lead Counsel for the Indirect Purchaser Plaintiffs***